MONTANA LEGISLATIVE HISTORY

Chapter 506 1983

Bill H 691 S _____ Original bill & history ✓ C

H. Committee on Business & Industry

Hearing Date(s) 2-15 ___C
2-24 ___C
_____ ___C
_____ ___C

Date Out 3-11 ___C

S. Committee on State Administration

Hearing Date(s) 3-8 ___C
3-11 ___C
_____ ___C
_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

3RD READING: 02/22/83, DO PASS AYES: 95; NAYS: 2

TRANSMITTED TO SENATE: 2/22/83
REFERRED TO COMMITTEE ON TAXATION: 3/1/83
HEARING: 3/14/83
DIED IN SENATE COMMITTEE

HB 691 -- BRAND, PAVLOVICH, WILLIAMS, ET AL. -- TO CREATE A BOARD OF ATHLETICS RESPONSIBLE FOR PROTECTING THE PUBLIC FROM FRAUD IN BOXING AND WRESTLING EVENTS AND FOR ISSUING LICENSES TO PROMOTERS, REFEREES, AND OTHERS INVOLVED WITH THOSE EVENTS; ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

INTRODUCED: 02/08/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/08/83
HEARING: 2/15/83
REPORT: 02/16/83, DO PASS, AS AMENDED
2ND READING: 02/19/83, DO PASS, AS AMENDED AYES: 89; NAYS: 5
3RD READING: 02/22/83, DO PASS AYES: 94; NAYS: 6

TRANSMITTED TO SENATE: 2/22/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/1/83
HEARING: 3/8/83
REPORT: 03/12/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/15/83 AYES: 28; NAYS: 16
3RD READING: 03/17/83 AYES: 32; NAYS: 15

RETURNED TO HOUSE WITH AMENDMENTS: 03/17/83
2ND READING: 03/31/83, BE CONCURRED IN AYES: 89; NAYS: 0
3RD READING: 04/01/83, BE CONCURRED IN AYES: 85; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/12/83
SIGNED: 04/14/83, CHAPTER 506

HB 692 -- BARDANOUVE -- TO APPROPRIATE $45,000 FOR ADMINISTRATION AND OPERATION OF THE FLATHEAD BASIN COMMISSION.

INTRODUCED: 02/08/83
REFERRED TO COMMITTEE ON APPROPRIATIONS: 02/08/83
HEARING: 3/23/83
REPORT: 03/28/83, DO PASS
2ND READING: 03/28/83, DO PASS AYES: 71; NAYS: 19
3RD READING: 03/28/83, DO PASS AYES: 76; NAYS: 17

TRANSMITTED TO SENATE: 3/28/83
REFERRED TO COMMITTEE ON FINANCE & CLAIMS: 04/06/83
HEARING: 4/11/83
REPORT: 4/13/83, BE CONCURRED IN
2ND READING: 04/14/83 AYES: 44; NAYS: 3
3RD READING: 04/15/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 4/15/83

TRANSMITTED TO GOVERNOR: 04/20/83
SIGNED: 4/25/83

HB 693 -- SWITZER -- REVISING THE PENALTY FOR FAILURE OF A COUNTY ASSESSOR TO MAKE AN ANNUAL STATEMENT TO THE DEPARTMENT OF REVENUE; AMENDING ....

HOUSE BILL NO. 691

INTRODUCED BY BRAND, PAVLOVICH, WILLIAMS, QUILICI, HARRINGTON, D. BROWN, IVERSON, MENAHAN, DAILY, NISBET, DRISCOLL, DOZIER, J. JENSEN

IN THE HOUSE

February 8, 1983	Introduced and referred to Committee on Business and Industry.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass as amended.
February 22, 1983	Correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on State Administration.
March 12, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1983	Second reading, concurred in.
March 17, 1983	Third reading, concurred in. Ayes, 32; Noes, 15.

IN THE HOUSE

March 17, 1983	Returned to House with amendments.
March 31, 1983	Second reading, amendments concurred in.
April 1, 1983	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

J. Jenson HOUSE BILL NO. 691
INTRODUCED BY Brand Gabriel Williams Paulson
Harrington Dave Brown Jean Mercer Hanly Nisbet
Driscoll DOZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A BOARD OF ATHLETICS RESPONSIBLE FOR PROTECTING THE PUBLIC FROM FRAUD IN BOXING AND WRESTLING EVENTS AND FOR ISSUING LICENSES TO PROMOTERS, REFEREES, AND OTHERS INVOLVED WITH THOSE EVENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Board of athletics. (1) There is a board of athletics.

(2) The board consists of three members appointed by the governor with the consent of the senate.

(3) Each member shall serve for a term of 3 years.

(4) The board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121.

Section 2. Definitions. Unless the context requires otherwise, in [sections 2 through 11], the following definitions apply:

(1) "Board" means the board of athletics provided for in [section 1].

(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

Section 3. Board organization -- compensation. (1) Before April 1 of each year the board shall elect one of its number chairman and may elect such officers as it considers necessary. Two of the members of the board constitute a quorum to do business, and the concurrence of at least two members is necessary to take board action.

(2) The members of the board are entitled to compensation and expenses as provided in 37-1-133.

Section 4. Board jurisdiction -- license required -- contestant participation. (1) The board has sole management, control, and jurisdiction over each professional wrestling or boxing or amateur boxing match or exhibition involving a prize or purse or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state, except a match or exhibition conducted;

(a) by a university, college, or high school;

(b) by the military; or

(c) for contestants under 16 years of age, by a recognized amateur association.

(2) No organization or individual may conduct a match or exhibition within the board's jurisdiction unless it or he is the holder of an appropriate license granted by the board.

(3) No referee, manager, or judge may participate in a match or exhibition within the board's jurisdiction unless

INTRODUCED BILL
HB 691

he is licensed by the board and the match or exhibition is conducted by an organization or individual licensed by the board.

(4) No professional boxer or wrestler or amateur boxer may participate in a match or exhibition within the board's jurisdiction unless the match or exhibition is conducted by an organization or individual licensed by the board, and his right to participate has not been suspended under [section 10].

Section 5. Rules. (1) The board may adopt rules for the administration and enforcement of [sections 2 through 11].

(2) The rules must include but are not limited to the following:

(a) the granting, renewal, suspension, and revocation of licenses and the qualification requirements for those to be licensed to conduct matches or exhibitions or to be licensed as referees, managers, or judges. Such qualifications must include appropriate knowledge, experience, and integrity.

(b) the labeling of a match as a championship match;

(c) the number and length of rounds and the weight of gloves;

(d) the extent and timing of the physical examination of contestants; and

(e) the attendance of a referee and his powers and duties.

Section 6. Licenses -- fees. (1) The board may issue an annual license for conducting amateur boxing matches or exhibitions to a nonprofit organization that has been located and established in this state for a period of 1 year before the license is issued.

(2) The board may issue an annual license to a professional boxing or wrestling promoter, whether an individual or organization, for the sole purpose of conducting professional matches or exhibitions.

(3) The board may issue annual licenses to qualified referees, managers, and judges.

(4) Each application for an original license under this section or renewal of a license must be accompanied by a fee set by the board, commensurate with costs related to the particular license as provided in 37-1-134.

Section 7. Bond -- conditions. (1) No license to conduct amateur or professional matches or exhibitions may be issued unless the licensee has executed a bond in the sum of not less than $1,000 in the case of amateur boxing or not less than $5,000 in the case of professional wrestling or boxing.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of [sections

2 through 11] and the rules of the board.

Section 8. Report of ticket sales -- tax on gross receipts -- disposition of money received. (1) An individual or organization licensed to conduct a boxing or wrestling match or exhibition must, within 24 hours after the completion of each match or exhibition, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the match or exhibition, the amount of gross proceeds, and other matters as the board prescribes and must also within 24 hours pay to the department a tax of 5% of its total gross receipts, after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department or the board under [sections 2 through 11] must be deposited in the earmarked revenue fund for the use of the board, subject to 37-1-101(6).

Section 9. Examination of books and records on failure to make report or on unsatisfactory report -- penalty for failure to pay tax. (1) If an individual or organization fails to make a report of a contest at the time prescribed by [sections 2 through 11] or if the report is unsatisfactory to the board, the board may examine the books and records of the individual or organization and subpoena and examine witnesses under oath for the purpose of

determining the total amount of its gross receipts for a contest and the amount of tax due under [sections 2 through 11].

(2) If the individual or organization remains in default in the payment of tax ascertained to be due for a period of 20 days after notice to such delinquent of the amount due, the delinquent forfeits its license and is disqualified from receiving a new license.

Section 10. Discipline. (1) A license issued under the provisions of [sections 2 through 11] may, after notice and opportunity for hearing, be revoked or suspended by the board for a violation of the provisions of [sections 2 through 11] or any rule of the board.

(2) The board may, after notice and opportunity for hearing, reprimand any amateur or professional athlete or suspend, for a period not to exceed 1 year, his right to participate in any match or exhibition conducted by any licensee for:

(a) unsportsmanlike conduct while engaged in or arising directly from any match or exhibition;

(b) failure to compete in good faith or engaging in any sham match or exhibition; or

(c) the use of threatening or abusive language toward officials or spectators.

Section 11. Violation as misdemeanor. A person who

violates a provision of [sections 2 through 11] is guilty of a misdemeanor and upon conviction is punishable as provided in 46-18-212.

-End-

HOUSE BUSINESS & INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on February 15, 1983, in Room 420 of the Capitol Building at 9:00 a.m. All members were present except Rep. Harper and Rep. Fabrega who was excused.

HOUSE BILL 691

REP. JOE BRAND, District 28, sponsor, opened by saying this bill creates a Board of Athletics to oversee boxing and wrestling events to protect the public from fraud and to license promoters, referees and others involved. There is $15,000 left in the Board of Athletics that will be transferred into the general fund unless this bill is given passage and then that money will be available to the Board. We need to be nationally sanctioned to get people to come to Montana. There needs to be some uniform criteria for medical professionals. Since the old board was sunsetted out, we have not had a good event in Montana.

PROPONENTS:

JIM MURRAY, Helena: I testify as an individual today, not as the Executive Director of the AFL-CIO. I am here with a friend who is going to talk to you about the board. We need to correct the law to allow the board to adopt rules for professional wrestling and boxing events. It's necessary to protect the lives and safety of those participating. It will keep in contact with the other 38 states who have boards and keep us up-to-date.

SONNY O'DAY, ex-professional fighter, served on the State Boxing Commission beginning in 1952 and served nine governors well: The boxing industry is of international significance and there are 22 million prize fighters licensed. The board was organized in 1915 and has carried on successfully without interruption with all it's splendor until 1981. There was never a tragic injury (bar one in Dillon) and the state has a clean record. This industry has brought alot of money into the state, otherwise there would not be boards in 38 other states. The sport needs to be under control. I hope you look into this and never make the mistake the 1981 legislature did by trash-canning the Board of Athletics.

JAMES MULAR, Butte: What this bill does is bring back the former commission to address the problems that the municipalities cannot handle.

RED MENAHAN, Representative from Anaconda: The sport of boxing should be regulated. We can't leave it up to each community. We still have money in the budget and this bill will protect Montana and we will have people promoting boxing.

REP. PAVLOVICH, REP. FAGG, REP. KITSELMAN AND REP. SAUNDERS all went on record as supporting Mr. O'Day and the bill.

OPPONENTS:

REP. McBRIDE, District 85: I don't stand up as an opponent but there are a couple of factors that are important if you re-establish this board. We can find no coordination language in the bill so there may, in fact, be a dual role so anyone who did want to carry on a match would have to go to both local goverment and the commission for authority. I believe there are amendments that are important. Conflict of interest is the first amendment. It would say no board member may serve as a manager, trainer or promoter of a professional boxer, wrestler or amateur boxer. Also, they could not have a financial interest in a boxer /wrestler and they could not serve as a referee or judge at a professional boxing or wrestling match or participate in a match. I present these not with the intention of restricting who could serve on the board but to be careful of approaches. The second amendment is for clarification. One of the chief functions of the board is to safeguard the physical well being of the people involved. I believe there should be rule making power given to the board. (Exhibit #1)

REP. BRAND, in closing, said the amendments say "amateur boxing match" and I don't think that ought to be included in the bill. The amendments on rules have been in the boxing commission since the beginning. I don't know that we need that tied down with legislation.

QUESTIONS:

REP. KITSELMAN: It's my understanding that a professional cannot fight for 30 days after he has had a major battle and 2) is Golden Gloves still considered an amateur battle, right?

Mr. Mular: I believe semi-pro should be inserted instead of amateur. Rep. McBride: The language in the amendment is consistent with that in the bill.

HOUSE BILL 662

REP. SCHYE, District 4, sponsor, opened by saying this bill was at the request of the eight irrigation districts on the Milk River for a hydro power permit on Tiber Dam. This would give the irrigation district power to engage in electrical power irrigation. The 1981 legislature attempted to clarify the irrigation laws in regard to hydro generation in districts. Some lawyer could argue that if the district is not actually engaged in power generation on or before March 30, 1981, they would prohibit them from doing so in the future. The legislators advised the people that this was not their intention. The Miras Milk River project would be of benefit to all the municipalities along the river.

AMENDMENT TO HOUSE BILL 691

1. Page 2, following line 7.

Insert: "NEW SECTION. Board member conflict of interest. No board member may:
(1) serve as a manager, promoter or trainer of a professional boxer or wrestler or an amateur boxer;
(2) have a financial interest or affiliation in a professional boxing or wresting match or an amateur boxing match;
(3) serve as ring official, timer, referee or judge at a professional boxing or wrestling match, or at an amateur boxing match; or
(4) participate in a professional boxing or wrestling match or an amateur boxing match.

Renumber subsequent sections.

AMENDMENT TO HOUSE BILL 691

1. Page 4, following line 2.

Insert: "(3) The rules shall meet or exceed the safety codes required by recognized professional boxing and wrestling organizations and provide reasonable measures for the fair conduct of the matches or exhibitions and for the protection of the health and safety of the principals. The rules shall require a physical examination of each principal prior to each match or exhibition and the attendance of a licensed physician at ringside and shall provide for the qualifications of judges, referees, and seconds and for the payment of such officials by the promoter."

QUESTIONS:

REP. WALLIN: This law doesn't contain any specifications as to the length or term of the bonds? Mr. McKenzie: That is in another section of the code and we are not changing that.

EXECUTIVE SESSION

HOUSE BILL 716

REP. HARPER moved DO PASS HOUSE BILL 716.
Question: Motion carried unanimously.

HOUSE BILL 710

REP. KITSELMAN moved DO PASS HOUSE BILL 710. He moved the amendment on Page 5, line 1 to raise the penalty to $50,000.
Question: Motion carried with Rep. Pavlovich voting no.
Rep. Kitselman moved the amendment to insert "33-2-705" on Page 4, line 22.
Question: Motion carried unanimously.
QUESTION: Motion of DO PASS AS AMENDED carried unanimously.
REP. HARPER moved the statement of intent.
Question: Motion carried unanimously.

HOUSE BILL 727

REP. HART moved that House Bill 727 be tabled.
Question: Motion carried unanimously.

HOUSE BILL 147

REP. HARPER: The Senate reported the bill out of committee with height restrictions on it and then they took the bill back and put in the 50/50 provision and then on the floor they put in the pre-fab provision. The height amendment died.
REP. METCALF: Our option is probably to table 147 and go with the Senate bill.
REP. ELLISON moved to TABLE HB 147.
Question: Motion carried unanimously.

HOUSE BILL 691

REP. PAVLOVICH moved the amendments prepared by the Dept. of Commerce.
REP. SCHULTZ: The Board shall meet a minimum of two times a year. Will they do that even if there is nothing going on?
Rep. Pavlovich: We can strike that amendment altogether.
Question: The amendments carried unanimously.
REP. ELLISON: Is it the concensus that they not meet on the fight day? (general agreement)
REP. SCHULTZ: I move on page 2, line 1 that the board shall meet to elect officers before April 1.
Question: Motion carried unanimously.
REP. ELLISON: I move we adopt the amendments of the Department of Commerce as revised.
Question: Motion carried unanimously.

REP. PAVLOVICH: About the amendments of Kathleen McBride, we want to strike amateur and insert semi-professional. Amateurs are regulated already.
REP. FABREGA: Is semi-pro defined anywhere in the law?
REP. METCALF: The difference between pro and amateur is that pros get paid.
REP. HARPER: I don't think we should strike amateur because they are talking about conflict of interest.
Rep. Pavlovich: I move we add semi-pro to the amendments.
Question: Motion carried unanimously.
REP. FABREGA: I move the amendments as amended.
Question: Motion carried unanimously.
REP. FABREGA: I move we take out principal and put in contestant.
Question: Motion carried unanimously.
REP. METCALF: We will put into the statement of intent that the board may not meet within 48 hours of any wrestling or boxing match or exhibition over which it has jurisdiction.
REP. HARPER: I move the amendments as revised.
Question: Motion carried unanimously.
REP. HARPER: I move HOUSE BILL 691 DO PASS AS AMENDED.
Question: Motion carried unanimously.

REP. HARPER: I move the Statement of Intent be amended as per our discussion on time limitations.
Question: Motion carried unanimously.
REP. HARPER: I move the Statement of Intent as Amended.
Question: Motion carried unanimously.

HOUSE BILL 662

REP. JENSEN moved DO PASS HOUSE BILL 662. When the Northwest Power bill came into being, it made it mandatory that utilities buy power from small hydro power plants. The Federal Regulatory Commission says you have to put in for a permit. Now they are swamped with applications. The ones who are given first priority are the municipalities. Chester had no intention of putting in an application for a power plant until this out-of-state company enticed them. They are using Chester and other small communities as fronts for these power plants.
REP. SCHULTZ: This is a deviation from any law we have had before us as to what an irrigation district can do. They want to come up 83 miles to Tiber Dam and completely distrupt the farmer's land. I don't think districts should be able to go outside their district.
REP. FABREGA: The law now reads that unless a district was engaging in power generation before March 30, 1981, they cannot do it now. This bill would open it up again.
REP. HARPER: If we pass this bill does it tip the scale in favor of anyone or does it put the irrigation district in the same standing as the town to get a permit? I don't think we should step into that application process and wipe someone out.

STANDING COMMITTEE REPORT

February 16 19 83

MR. SPEAKER:

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE Bill No. 691

first reading copy (white Color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A BOARD OF ATHLETICS RESPONSIBLE FOR PROTECTING THE PUBLIC FROM FRAUD IN BOXING AND WRESTLING EVENTS AND FOR ISSUING LICENSES TO PROMOTERS, REFEREES, AND OTHERS INVOLVED WITH THOSE EVENTS."

Respectfully report as follows: That HOUSE Bill No. 691

BE AMENDED AS FOLLOWS:

1. Page 1, line 19
Following: "through"
Strike: "11"
Insert: "13"

2. Page 1, line 25
Following: "compensation"
Insert: "-meetings-department to keep records"

3. Page 2, line 1
Following: "shall"
Insert: "meet to"

4. Page 2, line 4
Following: "and"
Insert: ", except as provided in [section 6],"

DO PASS

JERRY METCALF Chairman.

STATE PUB. CO.
Helena, Mont.

February 16, 1983

5. Page 2
Following: line 7
Insert: "(3) The department shall keep a record of the board's proceedings which are public records subject to public inspection.

Section 4. Enforcement of rules by board member -- board designees. (1) In absence of a quorum of the board, any board member in attendance at and supervising a contest or exhibition has the full power of the board in enforcing rules of the board.

(2) The board may designate in writing representatives to act specifically on behalf of the board but only within the scope of the written authority.

Section 5. Board member conflict of interest. No board member may:
(1) serve as a manager, promoter, or trainer of a professional or semi-professional boxer or wrestler or an amateur boxer;
(2) have a financial interest or affiliation in a professional or semi-professional boxing or wrestling match or an amateur boxing match;
(3) serve as ring official, timer, referee, or judge at a profession or semi-professional boxing or wrestling match or an amateur boxing match; or
(4) participate in a professional or semi-professional boxing or wrestling match or an amateur boxing match."

Renumber: subsequent sections.

6. Page 2, line 10
Following: "professional"
Insert: "or semi-professional"

7. Page 2, line 12
Following: "purse"
Strike: "or"
Insert: "and"

8. Page 3, line 4
Following: "professional"
Insert: "or semi-professional"

9. Page 3, line 6
Following: "unless"
Insert: "he is licensed by the board and"

10. Page 3, line 9
Strike: "10"
Insert: "13"

11. Page 3, line 12
Strike: "11"
Insert: "13"

12. Page 4, following line 2
Insert: "(3) The rules shall meet or exceed the safety codes required by recognized professional boxing and wrestling organizations and provide reasonable measures for the fair conduct

of the matches or exhibitions and for the protection of the health and safety of the contestants. The rules shall require a physical examination of each contestant prior to each match or exhibition and the attendance of a licensed physician at ringside and shall provide for the qualifications of judges, referees, and seconds and for the payment of such officials by the promoter."

13. Page 4, line 9
Following: "professional"
Insert: "or semi-professional"

14. Page 4, line 11
Following: "professional"
Insert: "or semi-professional"

15. Page 4, line 13
Following: "managers,"
Insert: "boxers, wrestlers, seconds, trainers,"

16. Page 4, line 19
Following: "amateur"
Strike: "or"
Insert: ","
Following: "professional"
Insert: ", or semi-professional"
17.
17. Page 4, line 22
Following: "professional"
Insert: "or semi-professional"

18. Page 5, line 8
Strike: "11"
Insert: "13"

19. Page 5, line 15
Strike: "11"
Insert: "13"

20. Page 5, line 22
Strike: "11"
Insert: "13"

21. Page 6, line 3
Strike: "11"
Insert: "13"

22. Page 6, line 10
Following: "through"
Strike "11"
Insert: "13"

23. Page 6, line 13
Following: "through"
Strike "11"
Insert: "13"

Chairman.

STATE PUB. CO.
Helena, Mont.

February 16 19 83

24. Page 6, line 15
Following: "amateur"
Insert: ","
Following: "professional"
Insert: ", or semi-professional"

25. Page 7, line 1
Following: "through"
Strike: "11"
Insert: "13"

AND AS AMENDED+
DO PASS

STATEMENT OF INTENT ATTACHED

STATE PUB. CO.
Helena, Mont.

JERRY NOBLE Chairman.

MR. SPEAKER:

WE YOUR COMMITTEE ON BUSINESS & INDUSTRY, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 691, FIRST READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL 691

A statement of intent is required for this bill because it grants rulemaking authority to the Board of Athletics. Qualifications for licensure to conduct boxing or wrestling events or to act as a referee, manager, or judge should be based primarily on particular knowledge required for the particular license and the integrity of the applicant, as indicated by past activities. To this end, the rules should address means of determining knowledge add integrity, such as affidavits or references evidencing experience and good reputation in the particular field.

A Board should also look to the regulations established by the World Boxing Association for guidance.

The intention of the legislature is that the Board may not meet within 48 hours of any wrestling or boxing match or exhibition over which it has jurisdiction.

JERRY METCALF
Chairman.

STATE PUB. CO.
Helena, Mont.

CONSIDERATION OF HOUSE BILL 691:
"AN ACT TO CREATE A BOARD OF ATHLETICS RESPONSIBLE FOR PROTECTING THE PUBLIC FROM FRAUD IN BOXING AND WRESTLING EVENTS AND FOR ISSUING LICENSES TO PROMOTERS, REFEREES, AND OTHERS INVOLVED WITH THOSE EVENTS."

REPRESENTATIVE JOE BRAND, District 28, Deer Lodge, Montana intorduced H.B.691. He state that the city of Missoula gave them the testimony shown as EXHIBIT 2, and said he would use it as his testimony. He also said that this bill askes that the boxing board be reinstituted and a statement of intent be given to the committee. The statement of intent is as follows: "The statement of intent is required for this bill because it grants rulemaking authority to the Board of Athletics. Qualifications for licensure to conduct boxing or wrestling events or to act as a referee, manager, or judge should be based primarily on particular knowledge required for the particular license and the integrity of the applicant, as indicated by past activities. To this end, the rules should address means of determining knowledge and integrity, such as affidavits or references evidencing experience and good reputation in the particular field.

PROPONENTS:

MARY LOU GARRETT, Department of Commerce, Professional and Occupational Licensing Bureau stated she was involved in the sunset review with the Board of Athletics. The board is only as good as the members on it. They were not working effectively then. So for the past few years she has spent much of her time providing information to primarily Billings, Great Falls, Butte and Missoula who have enacted and taken the rules of the former Board of Athletics and incorporated them into their local ordinances. She talked to Marvin Hammell, former boxer, and he said he would not box in Montana until there was a state wide commission because they do not get ratings when the local governments do not belong to the WBAWBC. Also the board prevented mud wrestling in the local bars.

OPPONENTS: None.

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT called attention to the repealer, page 5 and brought up double licensing and excluding amateur fights. He said they then would be excluding amateur fights from having the medical people in the safety requirement because the only regulations you ask are for governing semi-pro and pro.

REPRESENTATIVE BRAND said that the amateur people were the ones that asked the regulations be taken off so they could put on amateur bouts.

MARY LOU GARRETT stated she attended a mud wrestling contest to observe and that they were wrestling for prizes. It was not mud but a synthetic poly substance, therefore they have indicated that in the bill.

SENATOR STORY asked how they have changed the law?

MS. GARRET stated they provide for female boxers and cruiser weight.

Hearing closed on H.B.691.

CONSIDERATION OF HOUSE BILL 776:
"AN ACT TO REESTABLISHING THE BOARD OF AERONAUTICS UNDER EXISTING STATUTORY AUTHORITY AND RULES AND CHANGING THE QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD; REQUIRING THE BOARD TO APPROVE AIRCRAFT GRANTS AND LOANS; REVISING THE AIR CARRIER LAWS TO LIMIT APPLICATION TO INTRASTATE CARRIERS ONLY; AMENDING...."

REPRESENTATIVE JOHN SHONTZ, district 53, Sidney, Montana, stated this board has done a tremendous amount of work in policy, keeping Montana commercial air system in tact and we now have better and more air service. There are different opinions on the make-up of the board and there will be some amendments.

PROPONENTS:

RICHARD O'BRIEN, Conrad, Montana, a former member of the Board of Aeronautics presented written testimony, EXHIBIT 3. He asked for a few changes...the bill asks for the same make-up as usual on the board with two exceptions...there is usually a representative of the Montana Chamber of Commerce and the words were added, representing aviation. The next change on page 6, says that a representative from the Montana League of Cities and Towns have to represent airport operators. He asked the committee to amend back into the bill the part striken by the House regarding the boards authority to regulate intra-state carriers. This would mean retaining the board in its quasi-judicial function.

FORREST BOLES, Montana Chamber of Commerce, stated they support the legislation as well and that he has some amendments. Mr Boles submitted testimony and his written testimony as EXHIBIT 4.

HUGH KELLEHER, executive secretary of the Montana Airport Association and Manager of the Helena Regional Airport presented written testimony, EXHIBIT 5 and 5(a).

THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

OFFICE OF CITY ATTORNEY
201 West Spruce Street
Phone 721-4700

EXHIBIT 2
State Admin
3/8/83

March 7, 1983

83-170

Senate State Administration
Committee Members
Montana State Capitol
Capitol Station
Helena, Montana 59620

Re: HB 691 to Create a State ~~Board~~
Board of Athletics

Dear Senate State Administration Committee Members:

I would like to urge your support for the enactment of House Bill 691 entitled "An Act to Create a Board of Athletics Responsible for Protecting the Public from Fraud in Boxing and Wrestling Events and Issuing Licenses to Promoters, Referees and Others Involved with Those Events."

The City of Missoula supports and encourages a return to State regulation of professional boxing and wrestling rather than local government regulation of professional boxing and wrestling. The 1981 Montana State legislature sunsetted the State regulatory body that regulated professional boxing and wrestling and made local governing bodies responsible for regulating these professional sports activities pursuant to Section 7-21-4212, M.C.A.

Frankly, local governmental entities do not in all instances have the necessary expertise or background to conveniently or easily regulate professional boxing and wrestling. Further, experience indicates that local government boxing regulations differ slightly from local government jurisdiction to local government jurisdiction, which has been the source of some complaints from promoters. Also, pursuant to the existing state of the law, promoters must pay individual license fees for themselves, referees, participants, etc. in each local government jurisdiction rather than simply paying one annual state license fee. This situation has been the source of additional complaints from the promoters.

Most importantly, from a fiscal perspective for the City of Missoula, the City of Missoula's experience has been that City staff members have spent far more staff time drafting and administering its professional boxing and wrestling regulations than the City has generated or recovered pursuant to fees,

EXHIBIT 2

pg 2

licenses and taxes authorized to be collected by local governments pursuant to Section 7-21-4212, M.C.A. The City of Missoula's experience also has been that those attempting to conduct professional wrestling events in the City of Missoula have clearly lost money in Missoula. Attendance at the professional wrestling events has been quite low; in part this is probably attributable to a lack of sufficient advertisement of the events by the promoters.

I would like to make the following suggestions with respect to House Bill 691:

1. ~~Section 7-21-4212, M.C.A., pertaining~~ to local government regulation of professional boxing and wrestling should be repealed;

2. House Bill 691 should have an immediate effective date, or at least a July 1, 1983, effective date.

Some local governments have not enacted local regulations as is required by Section 7-21-4212, M.C.A., yet it is my understanding that at least one professional wrestling event has been held in a jurisdiction that did not enact any regulations.

I believe that the wise thing to do with respect to the regulation of professional boxing and wrestling is to return the control and supervision of professional wrestling and boxing to the State of Montana. I urge your support for the enactment of House Bill 691.

Yours truly,

Jim Nugent

Jim Nugent
City Attorney

JN/jd

DATE March 8, 1983

COMMITTEE ON

776

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Leigh R Killeher	Mont Airport Mgrs Assn	776	✓	
A Buck Boles	Mont Chamber	776	✓ w/ amendment	
Lee Boby	MPA	776	✓	
Richard O'Brien	SELF	776	✓	
Mary Lou Gauthier	Dept of Commerce	691	✓	
Jim Murray	Montana Tavern Assn	763	✓	
Bill Dowis	School for Deaf & Blind	763	✓	
Richard L. Heier	School for the Deaf & the Blind	763	✓	
Tim Howeth	Board of Investments	832	✓	
Jim Lofthouse	SELF	776	✓	

ACTION ON HOUSE BILL 313:
SENATOR STORY asked for a motion to table this bill as the Indians do not want this position moved.
SENATOR HAMMOND MOVED H.B.313 BE TABLED.
MOTION PASSED.

ACTION ON HOUSE BILL 427: (data processing)
SENATOR LEE MOVED AMENDMENT 1 (EXHIBIT 3)
MOTION PASSED.
SENATOR LEE MOVED AMENDMENT 2 (EXHIBIT 3)
MOTION PASSED.
SENATOR MANNING MOVED H.B.427 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 514: (accruing leave)
A discussion was held on this bill and the possibility of an amendment.
SENATOR LEE MOVED H.B.514 BE CONCURRED.
Roll call vote, EXHIBIT 4.
MOTION PASSED. Senator Lee will carry this bill.

ACTION ON HOUSE BILL 626:
SENATOR MARBUT MOVED H.B.262 BE CONCURRED IN.
MOTION PASSED. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 231: (firefighters retirement)
SENATOR MARBUT MOVED THAT H.B.231 DO NOT PASS.
A discussion was held. Mr. Nachtsheim, representing the Department of Administration presented the committee with EXHIBIT 5. Senator Towe remarked that they cannot dis-incorporate unless they make their debts known and how they are taking care of them.
SENATOR MANNING MADE A SUBSTITUTE MOTION THAT H.B.231 DO PASS.
Dave Cogley stated that there is a technical error. 19-3-704 1(B) should be 19-13-704 1(b) on page 6, line 21.
SENATOR TOWE MOVED THE ABOVE AMENDMENT.
MOTION PASSED.
SENATOR MANNING MOVED H.B.231 BE CONCURRED IN AS AMENDED.
Roll call vote. Motion failed on a tie vote.
EXHIBIT 6.
MOTION FAILED.

ACTION ON HOUSE BILL 691: (board of athletics)
There was a discussion on this bill and the former wrestler, Sonny O'Day and the fact that we do not have a commission and regulations in the state. Senator Story asked his intern, Dan Crowley to talk to Mrs. Garrett because his concern was in reinstituting it they did not broaden their powers.

DAN CROWLEY said that she said that the only thing that was broadened was that they were given statutory power to appoint someone to act in their place if they did not go to a wrestling match where before it was just a rulemaking. Now the stands will have to be brought up to date. He stated there are also some amendments. SENATOR STORY stated that he proposed an amendment because they found some of the people have been serving on the board forever. Sonny O'Day has served through 9 governors. Senator Towe said that he missed one governor because his name isn't really Sonny O'Day and the governor didn't know who he really was. This amendment limits serving beyond 12 years.

SENATOR MANNING MOVED THAT SENATOR STORY'S AMENDMENT BE ADOPTED to limit serving beyond 12 years. (H.B.691) EXHIBIT 7.
SENATOR TOWE MADE A SUBSTITUTE MOTION to add the word "consecutive".
MOTION PASSED.

Dave Cogley presented Jim Nugent's amendment, which is a repealer and effective date.

SENATOR TOWE MOVED THE NUGENT AMENDMENT TO H.B. 691 as follows.

Page 8, following line 24.
Insert: "Section 14, Repealer. Sec 7-21-4212, MCA, is repealed.
Section 15. Effective date. This act is effective on passage and approval.
Title, line 9.
Following: "EVENTS"
Insert: ";REPEALING SECTION 7-21-4212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

MOTION PASSED

SENATOR MANNING MOVED THAT HOUSE BILL 691 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Story will carry this bill.

HOUSE BILL 231 was RECALLED WITH A MOTION BY SENATOR MANNING.
MOTION PASSED. Discussion resumed on this bill.
SENATOR MANNING MOVED THAT HOUSE BILL 231 BE CONCURRED IN AS AMENDED.
MOTION PASSED. See roll call vote, EXHIBIT 8. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 490: (architects)
SENATOR LEE presented his amendments, EXHIBIT 9, and MOVED THEY DO PASS.
MOTION PASSED
Senator Towe questioned compensation pay and the fiscal note.

State Administration
Ammendment to HB 691

EXHIBIT 7
March 11, 1983

State Admin.

1. P. 1, line 16.
Following: "years"
Insert: ", and no member shall serve for more than 4 terms"

Section 2. **Codification instruction.** Section 1 is intended to be codified as an integral part of Title 49, chapter 2, part 5, and the provisions of Title 49, chapter 2, apply to section 1.

Section 3. **Effective date.** This act is effective on passage and approval.

Approved April 14, 1983.

CHAPTER NO. 506

AN ACT TO CREATE A BOARD OF ATHLETICS RESPONSIBLE FOR PROTECTING THE PUBLIC FROM FRAUD IN BOXING AND WRESTLING EVENTS AND FOR ISSUING LICENSES TO PROMOTERS, REFEREES, AND OTHERS INVOLVED WITH THOSE EVENTS; REPEALING SECTION 7-21-4212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Board of athletics.** (1) There is a board of athletics.

(2) The board consists of three members appointed by the governor with the consent of the senate.

(3) Each member shall serve for a term of 3 years, and no member shall serve for more than 4 consecutive terms.

(4) The board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121.

Section 2. **Definitions.** Unless the context requires otherwise, in [sections 2 through 13], the following definitions apply:

(1) "Board" means the board of athletics provided for in [section 1].

(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

Section 3. **Board organization — compensation — meetings — department to keep records.** (1) Before April 1 of each year the board shall meet to elect one of its number chairman and may elect such officers as it considers necessary. Two of the members of the board constitute a quorum to do business, and, except as provided in [section 6], the concurrence of at least two members is necessary to take board action.

(2) The members of the board are entitled to compensation and expenses as provided in 37-1-133.

(3) The department shall keep a record of the board's proceedings, which are public records subject to public inspection.

Section 4. **Enforcement of rules by board member — board designees.** (1) In absence of a quorum of the board, any board member

in attendance at and supervising a contest or exhibition has the full power of the board in enforcing rules of the board.

(2) The board may designate in writing representatives to act specifically on behalf of the board but only within the scope of the written authority.

Section 5. **Board member conflict of interest.** No board member may:

(1) serve as a manager, promoter, or trainer of a professional or semiprofessional boxer or wrestler or an amateur boxer;

(2) have a financial interest or affiliation in a professional or semiprofessional boxing or wrestling match or an amateur boxing match;

(3) serve as ring official, timer, referee, or judge at a professional or semiprofessional boxing or wrestling match or an amateur boxing match; or

(4) participate in a professional or semiprofessional boxing or wrestling match or an amateur boxing match.

Section 6. **Board jurisdiction — license required — contestant participation.** (1) The board has sole management, control, and jurisdiction over each professional or semiprofessional wrestling or boxing match or exhibition involving a prize or purse and at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state, except a match or exhibition conducted:

(a) by a university, college, or high school;

(b) by the military; or

(c) for contestants under 16 years of age, by a recognized amateur association.

(2) No organization or individual may conduct a match or exhibition within the board's jurisdiction unless it or he is the holder of an appropriate license granted by the board.

(3) No referee, manager, or judge may participate in a match or exhibition within the board's jurisdiction unless he is licensed by the board and the match or exhibition is conducted by an organization or individual licensed by the board.

(4) No professional or semiprofessional boxer or wrestler may participate in a match or exhibition within the board's jurisdiction unless he is licensed by the board and the match or exhibition is conducted by an organization or individual licensed by the board, and his right to participate has not been suspended under [section 12].

Section 7. **Rules.** (1) The board may adopt rules for the administration and enforcement of [sections 2 through 13].

(2) The rules must include but are not limited to the following:

(a) the granting, renewal, suspension, and revocation of licenses and the qualification requirements for those to be licensed to conduct matches

or exhibitions or to be licensed as referees, managers, or judges. Such qualifications must include appropriate knowledge, experience, and integrity.

(b) the labeling of a match as a championship match;

(c) the number and length of rounds and the weight of gloves;

(d) the extent and timing of the physical examination of contestants; and

(e) the attendance of a referee and his powers and duties.

(3) The rules shall meet or exceed the safety codes required by recognized professional boxing and wrestling organizations and provide reasonable measures for the fair conduct of the matches or exhibitions and for the protection of the health and safety of the contestants. The rules shall require a physical examination of each contestant prior to each match or exhibition and the attendance of a licensed physician at ringside and shall provide for the qualifications of judges, referees, and seconds and for the payment of such officials by the promoter.

Section 8. **Licenses — fees.** (1) The board may issue an annual license to a professional or semiprofessional boxing or wrestling promoter, whether an individual or organization, for the sole purpose of conducting professional or semiprofessional matches or exhibitions.

(2) The board may issue annual licenses to qualified referees, managers, boxers, wrestlers, seconds, trainers, and judges.

(3) Each application for an original license under this section or renewal of a license must be accompanied by a fee set by the board, commensurate with costs related to the particular license as provided in 37-1-134.

Section 9. **Bond — conditions.** (1) No license to conduct professional or semiprofessional matches or exhibitions may be issued unless the licensee has executed a bond in the sum of not less than $5,000.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of [sections 2 through 13] and the rules of the board.

Section 10. **Report of ticket sales — tax on gross receipts — disposition of money received.** (1) An individual or organization licensed to conduct a boxing or wrestling match or exhibition must, within 24 hours after the completion of each match or exhibition, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the match or exhibition, the amount of gross proceeds, and other matters as the board prescribes and must also within 24 hours pay to the department a tax of 5% of its total gross receipts, after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department or the board under [sections 2 through 13] must be deposited in the earmarked revenue fund for the use of the board, subject to 37-1-101(6).

Section 11. **Examination of books and records on failure to make report or on unsatisfactory report — penalty for failure to pay tax.** (1) If an individual or organization fails to make a report of a contest at the time prescribed by [sections 2 through 13] or if the report is unsatisfactory to the board, the board may examine the books and records of the individual or organization and subpoena and examine witnesses under oath for the purpose of determining the total amount of its gross receipts for a contest and the amount of tax due under [sections 2 through 13].

(2) If the individual or organization remains in default in the payment of tax ascertained to be due for a period of 20 days after notice to such delinquent of the amount due, the delinquent forfeits its license and is disqualified from receiving a new license.

Section 12. **Discipline.** (1) A license issued under the provisions of [sections 2 through 13] may, after notice and opportunity for hearing, be revoked or suspended by the board for a violation of the provisions of [sections 2 through 13] or any rule of the board.

(2) The board may, after notice and opportunity for hearing, reprimand any professional or semiprofessional athlete or suspend, for a period not to exceed 1 year, his right to participate in any match or exhibition conducted by any licensee for:

(a) unsportsmanlike conduct while engaged in or arising directly from any match or exhibition;

(b) failure to compete in good faith or engaging in any sham match or exhibition; or

(c) the use of threatening or abusive language toward officials or spectators.

Section 13. **Violation as misdemeanor.** A person who violates a provision of [sections 2 through 13] is guilty of a misdemeanor and upon conviction is punishable as provided in 46-18-212.

Section 14. **Repealer.** Section 7-21-4212, MCA, is repealed.

Section 15. **Effective date.** This act is effective on passage and approval.

Approved April 14, 1983.

CHAPTER NO. 507

AN ACT TO INCREASE FEES FOR THE SUPERVISION AND EXAMINATION OF BANKS; AMENDING SECTION 32-1-213, MCA; PROVIDING FOR RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 32-1-213, MCA, is amended to read:

"32-1-213. Payments to be made by banks, investment companies, and trust companies. *(1) On or before January 31 and July*